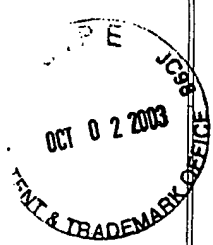


#10 Refers Refund
DEP & REF
10/10/03 Room 307



PATENT
Customer No. 22,852
Attorney Docket No. 09090.0003-02000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Dan Martin SCOTT et al.)
Application No. 09/820,557) Group Art Unit: 2672
Filed: March 29, 2001) Examiner: Javid A. Amini
For: SYSTEM AND METHOD FOR)
GEOREFERENCING DIGITAL)
RASTER MAPS)

Mail Stop 16
Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR REFUND

On August 25, 2003, Applicants filed a Request for Continued Examination (RCE) and a Petition for Extension of time for 1 month and paid the large entity fees for filing these papers. Upon further review, it is determined that Applicants inadvertently paid the large entity fees. Applicants properly claimed small entity status during the filing of the present application and Applicants continue to be a small entity which qualifies for reduced fees under 37 C.F.R. § 1.27.

In accordance with 37 C.F.R. § 1.28 allowing a refund of one-half of filing fees previously paid when small entity status is properly established and when the refund is requested within three months, Applicants apply for a refund of one-half of the RCE filing fee of \$750.00 and one-half of the Petition for Extension of Time fee of

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP
1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

Customer No. 22,852
Application No. 09/820,557
Attorney Docket No. 09090.0003-02000

\$110.00 paid upon filing these papers on August 25, 2003. The refund amount totals to \$430.00.

Please issue the refund to the undersigned firm of attorneys and indicate on the check our case reference "09090.0003-02000."

Respectfully submitted,

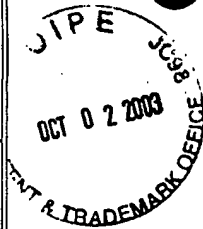
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 2, 2003

By: Richard V. Burgujian Reg 24,014
for Reg. No. 31,744

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PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Filed: March 29, 2001)
)
For: SYSTEM AND METHOD FOR)
GEOREFERENCING DIGITAL)
RASTER MAPS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

On September 18, 2003, the PTO mailed a Notice of Non-Compliant Amendment alleging failure to present a complete listing of all the claims in the Amendment After Final filed on July 14, 2003. The PTO received the Amendment After Final on July 14, 2003, as shown by the attached copy of the stamped postcard. At the time of its filing, the Amendment After Final was in compliance with the then-current version of 37 C.F.R. § 1.121, that is, before the revised Amendment rules took effect on July 30, 2003.

On August 25, 2003, Applicants filed a Request for Continued Examination (RCE), requesting the entry of the Amendment After Final filed on July 14, 2003 (a copy of the filed RCE Transmittal, along with the stamped postcard, showing receipt thereof by the PTO are attached herewith).

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For the present Notice of Non-Compliant Amendment, it seems that the PTO is relying on the August 25, 2003 filing date of Applicants' Request for Continued Examination (RCE) in making an improper determination of non-compliance. The Notice of Non-Compliant Amendment clearly acknowledges the date of the Amendment as being filed on July 14, 2003. Applicants respectfully refer to the "Revised Amendment Rules Questions and Answers (FAQ)" page on the PTO's website.¹ Specifically, Section D2 provides:

D2. I filed an after-final amendment in compliance with the previous version of 37 CFR 1.121 with a certificate of mailing date before July 30, 2003 and the amendment was not entered by the Office. I would like to file a request for continued examination (RCE) under 37 CFR 1.114 and have the after-final amendment to be entered as the submission for the RCE. If the RCE is filed on or after July 30, 2003, would the Office accept the after-final amendment as a compliant amendment when the amendment is entered as the submission for the RCE? (posted August 14, 2003)

Yes, if the after-final amendment is filed in compliance with the previous version of 37 CFR 1.121 with a certificate of mailing date before July 30, 2003, the Office will enter the amendment as a compliant amendment when the RCE is entered.

Applicants are in full compliance with all applicable Amendment Rules.

Accordingly, Applicants respectfully request withdrawal of the Notice of Non-Compliant Amendment and request that examination of this application proceed promptly.

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¹ The webpage can be found at <http://www.uspto.gov/web/offices/pac/dapp/revised121qnas.htm>

Customer No. 22,852
Application No. 09/820,557
Attorney Docket No. 09090.0003-02000

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 2, 2003

By: Richard V. Burgujian Reg 24,014
for Richard V. Burgujian
Reg. No. 31,744

Attachments:

**Request for Continued Examination filed August 25, 2003
(w/ stamped Postcard)**

Stamped Postcard for Amendment After Final dated July 14, 2003

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Mail Stop RCE

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000 provides for continued examination of a utility or plant application filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA)

Application Number: 09/820,557

Filing Date: March 29, 2001

First Named Inventor: Dan Martin SCOTT et al.

Group Art Unit: 2672

Examiner: Javid A. AMINI

Attorney Docket Number: 09090.0003-02000

Attorney Customer Number: 22,852

OCT 02 2003
PATENT & TRADEMARK OFFICE

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

Note: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) instead of a RCE to be eligible for patent term adjustment provisions of the AIPA. See "Changes to Application Examination and Provisional Application Practice," Interim Rule, 65 Fed. Reg. 14865 (March 20, 2000). Off. Gaz. Pat. Office 47 (April 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114:

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply after final under 37 C.F.R. § 1.116 previously filed on July 14, 2003.
- ii. ☐ Consider the arguments in the Appeal Brief of Reply Brief previously filed on [Date] _____.
- iii. ☐ Other _____
- b. ☐ Enclosed:
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement
- iv. ☐ Other _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-mentioned application is requested under 37 C.F.R. § 1.103(c) for a period of [number] months. (Period of suspension shall not exceed 3 months; fee under 37 C.F.R. § 1.17(i) required.)
- b. ☐ Other _____

3. Fees

- a. ☒ The filing fee is calculated as follows:
- i. ☒ \$750.00 RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☒ Petition for extension of time for (1 Months) \$110.00
- iii. ☐ Other _____
- b. ☒ Check in the amount of \$750.00 enclosed.
- c. ☐ The Commissioner is authorized to charge any deficiencies in the filing fees, or credit any overpayments to Deposit Account No. 06-0916.

Signature of Applicant, Attorney, or Agent Required

Name: Richard V. Burgujian,

Reg. No.: 31,744

Signature: *By Richard V. Burgujian*Date: *Aug. 25, 2003*

Certificate of Mailing or Transmission

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, MAIL STOP RCE, P.O. Box 1450, Alexandria, VA. 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on: (Date)

Name:

Signature:

Date:



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ROB/EHA/VK/C

PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

In Re Application of: Dan Martin SCOTT et al.

Application No.: 09/820,557

Group Art Unit: 2672

Filed: March 29, 2001

Examiner: AMINI, Javid A.

For: SYSTEM AND METHOD FOR GEOREFERENCING DIGITAL RASTER MAPS



1. Request for Continued Examination (RCE) Transmittal (1 pg)
2. Petition for Extension of Time (1 Month) (1 pg)
3. Check in the amount of \$860.00 to cover \$750.00 RCE Filing Fee and \$110.00 Extension of Time Fee

Dated: August 25, 2003 (24th being a Sunday)

Docket No. 09090.0003-02000

(Due Date: 8/24/03)

RVB:VKK/cvh

Please return Postcard to C. Holly-Harkins @ Mail Drop 646.

OKed JAS
8/24/03



COPY

RVB-LXS

PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

In Re Application of: Dan Martin SCOTT et al.

Application No.: 09/820,557

Group Art Unit: 2672

Filed: March 29, 2001

Examiner: Javid A. Amini

For: SYSTEM AND METHOD FOR GEOREFERENCING DIGITAL RASTER MAPS

1. Amendment

Dated: July 14, 2003

Docket No.: 9090.0003-02

(Due Date: 7/24/03)

Leonard Smith, Jr.

(Return to Barbara DeBord - Mail Drop 1040)



N-APPEAL WITH DUE 7-24-03

DK RD
7-15-03